

## EMERGENCY SPECIAL TEMPARY AUTHORITY REQUEST

CITY OF ARLINGTON, TX.

### TO WHOM IT MAY CONCERN:

The City of Arlington, TX respectfully requests an Emergency STA in accordance with Section 1.934 of the Commission's Rules in order to make modifications to their existing FDMA SmartNet 800 MHz system, licensed under call sign WNDW499, and complete the replacement of outdated radio equipment over 10 years old and well beyond its warranty life. The system will be updated with new P25 TDMA equipment that will be added to the already regional interoperable system that now serves the greater Fort Worth area, which includes the cities of Fort Worth, Garland, Irving, Mansfield, Euless, and Bedford that have all recently upgraded their systems to P25 standard, combining their frequencies to create this regional network. Arlington is the last city to join due to delays they have encountered in the last two years once they gained local funding approval to purchase the necessary equipment.

It was not until after the City had received funding approval that they could begin active plans for their system. The system design itself took weeks and months to resolve, as each existing site had to be reviewed to determine its qualifications to be used in the expansion of the P25 regional network, as well as to identify the need for new sites that would complement and improve upon the existing footprint. To this end, each existing site had to be thoroughly reviewed, which required scaling the existing towers to verify its overall reliability and to identify appropriate placement of the antennas for the new system, as well as double checking all guy-wire anchors to the towers. During the course of this review, it was determined that two of the sites might have to be relocated and time was lost in finding appropriate sites. After weighing the time and costs for the relocations, it was determined that the current budget would not allow such relocations and that the current sites would remain, but that certain modifications would be required. It was determined that a new site would be required to further enhance the Arlington system, as well as the overall coverage of the regional network.

It was also during these investigations that two unexpected surprises were found on one of the existing towers, referred to as the Cooper Tower Site (Location 4 on existing license), that further delayed the final determination of antenna height changes required on the site. In particular, a tower climber found two newly laid eggs of a Red Tail Hawk at approximately the 90 foot level of the tower and, per Texas Parks and Wildlife Section 64.002 regarding the protection of nongame birds, stipulates that the eggs, nest, or young of a non-game bird can be disturbed or destroyed. Therefore, no further work on the tower was allowed until the eggs had hatched and the nest abandoned. Estimated time for this to occur was approximately three months, thus climbing the tower to measure for the new antenna heights were not permitted during this time. Thus, work on the ground around the site was focused on and during the repair of one of the guyed wire anchors, excavation uncovered a 1,000 gallon underground fuel tank that had been abandoned. Again, all work had to be stopped and an environmental remediation company was contacted to perform necessary site cleanup, per

Texas Commission on Environmental Quality, which also could have taken several months to complete. This site was one of the two that had been considered for relocation, but timing and costs prohibited that, as stated above. Fortunately, the nest was also abandoned earlier than first anticipated and the remediation cleanup also was resolved more quickly than expected, so the site was again accessible for determining antenna heights and power level required for the P25 system.

The delays in determining new antenna heights and power levels, as well as the time to determine the new site location that is to be added to the existing license, are the reasons why the permanent application and the original STA could not have been filed any earlier than they were. Once the new site was located and the amendments required for the existing sites were finally determine, the applications for the permanent application and STA were completed. The permanent application was submitted to Region 40 and their approval was received before the application could be forwarded to the frequency coordinator, and before the initial STA could be submitted to the FCC.

The initial STA was filed in early October under file number 0006971385 and was recently denied because the Commission felt that the system had been planned “for quite some time” and that the regular application was not filed “in a timely fashion”. Unfortunately, the original STA did not address the delays encountered after receiving funding approval, which included receiving the funding all at one time so that the purchase of all of the equipment could have been done at one time – instead the funding and the equipment was received/purchased over the course of over a year. Likewise, the original STA was not clear that purchasing of equipment is not as easy as ordering something online or going to a local store and purchasing something off the shelf. Radio equipment has to be designed to meet the parameters of the system requirements, thus several weeks or months are often required in “building” the system at the equipment vendor’s location before it can be shipped. Numerous engineering analyses have to be done to determine finite details like the type of antennas that would be required and how much output power, ERP, or azimuth will be necessary to obtain the best coverage into the various areas to be covered. Coverage maps have to be run and rerun as the data is gathered. Antenna heights are required to know how much cable and wiring is needed for each site – which means someone often has to scale each tower to make that determination. Thus, until those heights were determined and all the finite delays worked out on paper, not all equipment and supplies could be ordered. Crews have to be scheduled to install the system to coincide with the delivery of the equipment. Therefore, delays can and often do occur at any time between getting funding approval for a system, purchasing the system; determining site locations and the required system parameters of each site, based on many different engineering processes; and actually having all the data available that is required to complete the FCC Form 601 and getting it filed. Funding approval is often received long before the system design has been finalized or the application for FCC license can be filed. Therefore, the length of time between Arlington receiving funding approval and their having all the data required to complete and file their application is not at all out of the ordinary, because there are so many variables that have to be overcome between designing and installing a system.

While the above speaks to the reason the permanent station application and STA were not filed timelier, the main reason for the need for this Emergency STA is because Arlington's system is over 10 years old. It is past its warranty life, and besides being outdated, it no longer serves the community effectively or efficiently. But more important is the fact that the surrounding cities and communities that Arlington has been able to communicate with in the past, during extreme emergency situations, have already migrated to the new P25 interoperable network and have dismantled their old systems. Arlington is now like an island on its own with no radio connection, i.e. no interoperability at all, with the surrounding municipalities.

The City of Arlington is the location of both NFL and MLB games in the City's AAT and Rangers Stadiums. These games create massive traffic and crowd control issues that Arlington cannot handle on its own. It requires the assistance of neighboring public safety entities such as police, fire, and EMS to help manage, as well as, avert any disasters that are all too common with large crowds. This is currently impossible because of Arlington's legacy system's inability to "talk to" the P25 system users. It is critical that Arlington be allowed to begin using their new P25 system before a major disaster occurs at one of these events. Likewise, as part of the Dallas/Fort Worth metropolis, Arlington is subject to many of the same public crime issues that is typical to regions with a large conglomeration of people. Our police, fire, and EMS personnel are put in extreme personal danger every day they are on the street. It is critical for them to be able to send and receive immediate communications when back-up is needed in the course of doing their jobs in protecting the general public and property of this region. To this end, access to the new system is needed as soon as possible.

Implementation of the new system is in progress and should be completed very soon. A modification of the permanent license has been submitted for frequency coordination and should be filed soon with the FCC per the frequency coordinator; but even after it is filed with the FCC it still could take a month or longer before it could receive a granted license. An emergency STA is required in order to facilitate the implementation and transition from the old system to the new P25 system and for testing of the system to resolve any issues that might arise in making necessary changes to bring Arlington's system into total compatibility with the other sites and frequencies currently a part of the TDMA P25 trunked regional system. Likewise, the STA will provide immediate and continuous service on the new system until the permanent application has achieved coordination and FCC approval.

The City of Arlington has determined that filing a new request for Emergency STA can be responded to more quickly than filing a PFR of the dismissal of the previously filed STA, which would have to be sent for review by FCC legal staff. It is our understanding that pleadings of this type have no time restraint, thus any lengthy delay would not be in the best interest of the general public that the City public safety entities must protect. It is for these reasons that the City respectfully requests an FCC grant of this new request for STA so that the public interest may be served.